



Calhoun: The NPS Institutional Archive
DSpace Repository

Theses and Dissertations

1. Thesis and Dissertation Collection, all items

2004-09

Intelligence and high intensity Drug
Trafficking Areas (HIDTA's) a critical
evaluation of the HIDTA investigative support
center (ISC)

Gutierrez, Michael J.

Monterey California. Naval Postgraduate School

<http://hdl.handle.net/10945/1416>

Copyright is reserved by the copyright owner.

Downloaded from NPS Archive: Calhoun



Calhoun is the Naval Postgraduate School's public access digital repository for research materials and institutional publications created by the NPS community. Calhoun is named for Professor of Mathematics Guy K. Calhoun, NPS's first appointed -- and published -- scholarly author.

Dudley Knox Library / Naval Postgraduate School
411 Dyer Road / 1 University Circle
Monterey, California USA 93943

<http://www.nps.edu/library>



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**INTELLIGENCE AND HIGH INTENSITY DRUG
TRAFFICKING AREAS (HIDTA'S): A CRITICAL
EVALUATION OF THE HIDTA INVESTIGATIVE
SUPPORT CENTER (ISC)**

by

Michael J. Gutierrez

September 2004

Thesis Advisor:
Second Reader:

Jeanne Giraldo
Harold Trinkunas

Approved for public release; distribution is unlimited.

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE September 2004	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE: Intelligence and High Intensity Drug Trafficking Areas (HIDTAs): A Critical Evaluation of the HIDTA Investigative Support Center (ISC)			5. FUNDING NUMBERS	
6. AUTHOR(S) CPT Michael J. Gutierrez				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.			12b. DISTRIBUTION CODE	
13. ABSTRACT (maximum 200 words) The purpose of this thesis is to evaluate critically the ongoing reform of the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC). Prior to 9/11, the national intelligence apparatus was littered with flaws, including lack of information sharing, interagency conflict, and autonomous operations. The HIDTA Intelligence Support Center in New Mexico was no exception. Post 9/11, many national agencies realized that in order to address successfully the increasing threat of terror, several changes needed to be made in the intelligence system at all levels. Similarly, the HIDTA Investigative Support Center has reacted to the post 9/11 environment by more strictly enforcing its framework for information-sharing and instituting a series of changes in its institutional processes. This process of reform has yielded positive results for the New Mexico HIDTA ISC. The ISC has now transformed into the centerpiece of information exchange and interagency cooperation among HIDTA members. The ISC is also acting as a conduit or "Fusion Center" for information sharing between agencies investigating crimes relating to drug trafficking, terrorism, and money laundering.				
14. SUBJECT TERMS HIDTA, Investigative Support Center, Information Exchange, Intelligence Sharing, Political economy framework, HIDTA ISC, Institutional process, Actor interests, 9/11			15. NUMBER OF PAGES 65	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL	

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release; distribution is unlimited.

**INTELLIGENCE AND HIGH INTENSITY DRUG TRAFFICKING AREAS
(HIDTA'S): A CRITICAL EVALUATION OF THE HIDTA INVESTIGATIVE
SUPPORT CENTER (ISC)**

Michael J. Gutierrez
Captain, United States Army, New Mexico Army National Guard
B.A., University of New Mexico, 1993
M.P.A., University of New Mexico, 1998

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(CIVIL-MILITARY RELATIONS)**

from the

**NAVAL POSTGRADUATE SCHOOL
September 2004**

Author: CPT Michael J. Gutierrez

Approved by: Professor Jeanne Giraldo
Thesis Advisor

Professor Harold Trinkunas
Co-Advisor

Professor James Wirtz
Chairman, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

The purpose of this thesis is to evaluate critically the ongoing reform of the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC) concept. Prior to 9/11th, 2001, the national intelligence apparatus was littered with flaws, including lack of information sharing, interagency conflict, and autonomous operations. The HIDTA Intelligence Support Center in New Mexico was no exception. Post 9/11th, 2001, many national agencies realized that in order to address successfully the increasing threat of terror, several changes needed to be made in the intelligence system at all levels. Similarly, the HIDTA Investigative Support Center has reacted to the post 9/11 environment by more strictly enforcing its framework for information-sharing and instituting a series of changes in its institutional processes. This process of reform has yielded positive results for the New Mexico HIDTA ISC. The ISC has now transformed into the centerpiece of information exchange and interagency cooperation among HIDTA members. The ISC is also acting as a conduit or “Fusion Center” for information sharing between agencies investigating crimes relating to drug trafficking, terrorism, and money laundering.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	PURPOSE.....	1
B.	IMPORTANCE.....	1
C.	MAJOR QUESTIONS AND ARGUMENT	1
D.	METHODOLOGY AND SOURCES.....	2
1.	Why New Mexico is Important as a Case Study	2
2.	Political Economy Framework	5
E.	CHAPTER-BY-CHAPTER SUMMARY	7
II.	ROLE OF THE HIDTA INTELLIGENCE CENTERS PRE 9/11	9
A.	OVERVIEW	9
B.	ROLE OF THE HIDTA ISC	9
C.	FUNCTIONING OF THE HIDTA INVESTIGATIVE SUPPORT CENTERS IN THE 1990S	13
D.	WHY THE ISC MALFUNCTIONED: ACTORS' INTERESTS AND INSTITUTIONAL FAILINGS.....	18
1.	Actor's Interests	19
2.	Institutional Processes	26
E.	CONCLUSION	28
III.	OPERATION OF THE ISC POST 9/11	31
A.	OVERVIEW	31
B.	CHANGES IN INSTITUTIONAL PROCESSES AFTER 9/11	31
C.	HAVE OPERATIONS OF THE ISC POST 9/11 PROVEN TO BE SUCCESSFUL?	41
D.	NEW MISSION POST 9/11: MULTI-CRIME FUSION CENTER	44
E.	CONCLUSION	45
IV.	CONCLUSION	47
A.	THE FINDINGS.....	47
B.	RECOMMENDATIONS.....	48
	INITIAL DISTRIBUTION LIST	51

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF TABLES

Table 1.	Volume of Traffic Crossing the U.S/Mexican Point of Entries.....	3
Table 2.	Nine Core Information Sharing Performance Measures Prescribed by ONDCP.....	12
Table 3.	Information Sharing from the Federal Government: Timely, Accurate, or Relevant	21
Table 4.	Perceived Barrier Preventing Federal Agencies for Sharing Information	23
Table 5.	Information Sharing from City Government: Timely, Accurate, or Relevant	24
Table 6.	Information Sharing from the State Government: Timely, Accurate, or Relevant	25
Table 7.	Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02).....	33
Table 8.	Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02).....	33
Table 9.	Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02).....	33
Table 10.	Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02).....	33
Table 11.	Expected Outputs for the New Mexico HIDTA ISC (FY 2003)	34
Table 12.	Expected Outputs for the New Mexico HIDTA ISC (FY 2004)	35
Table 13.	Full Time Co-Located HIDTA ISC Personnel	38
Table 14.	Part Time Co-Located HIDTA ISC Personnel	39
Table 15.	Database Nodes New Mexico HIDTA is Currently Connected To.....	40

THIS PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGMENTS

Several people have been insightful and inspirational in this endeavor. Professors, advisors, experts in the field, and my family have contributed sound guidance, worldly advice, and patience so that this project could reach fruition. This project could not have been completed without the help of several generous contributions of a few key people.

Professor Jeanne Giraldo is by far an expert in her field. Her knowledge, skill, and ability were evident as she steered the direction of this paper. She ensured that content, quality, and academic merit met her very strict standards of evaluation. As a result, the accomplishment of this project will forever embody her tireless efforts as a professional, an academic, and a friend. Second, Professor Harold Trinkunas gave sound advice and provided much theoretical insight into this project. His thought provoking inspiration and unwavering helpfulness proved to be the essential elements that helped shaped this thesis. Professors Giraldo and Trinkunas are true professionals!

Several other key individuals gave of their time to grant interviews and insight into this project. Specifically, thanks go to the men and women of the New Mexico HIDTA, the New Mexico State Police, the Federal Bureau of Investigation, and the Drug Enforcement Administration. Because of their help and intimate knowledge of the subject, I am truly appreciative and thankful.

Most of all, I thank my wife Farley and my son Caiden for their loving support and encouragement. Farley has been my strength throughout this entire process. Her love, kindness, and ability to be a great wife, mother, and friend are what allowed me to complete this project on time. I am especially grateful for her prayers and patience. Her patience was tried, but in the end her prayers were answered. Thank you and I love you!

THIS PAGE INTENTIONALLY LEFT BLANK

I. INTRODUCTION

A. PURPOSE

The purpose of this thesis is to evaluate critically the ongoing reform of the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC) concept. Prior to 9/11, the national intelligence apparatus was littered with flaws, including lack of information sharing, interagency conflict, and autonomous operations. The HIDTA intelligence framework was no exception. Post 9/11, many national agencies realized that in order to address successfully the changing threat of terror, several changes needed to be made in the intelligence system at all levels. Similarly, the HIDTA Investigative Support Center has reacted to the post 9/11 environment by more strictly enforcing its framework for information-sharing and instituting a series of changes in its institutional processes. This thesis seeks to determine if the changes within the HIDTA Investigative Support Centers, post 9/11, are having the desired effect of transforming the ISC into a centerpiece of increased information exchange and interagency cooperation among HIDTA members and a conduit for information sharing with agencies investigating crimes related to drug trafficking, like terrorism and money laundering.

B. IMPORTANCE

Evaluating HIDTA reform is important because it allows us to understand whether the capability of the HIDTA intelligence apparatus to provide actionable intelligence at the strategic and tactical levels to local, state, and federal law enforcement agents, has improved post 9/11. By commingling agents and centralizing resources, HIDTA initiatives appear to have made the concept of “inter-agency” information exchange their centerpiece. Given the importance of intelligence sharing in the post 9/11 environment, an evaluation of the level of success of HIDTA reform requires examination.

C. MAJOR QUESTIONS AND ARGUMENT

The thesis answers the question of whether the reforms to the HIDTA Investigative Support Centers facilitated information exchange and interagency cooperation post 9/11. It answers this overarching question by addressing a series of specific questions: What is the purpose of the HIDTA Investigative Support Centers and

to what extent did the centers fulfill their purpose prior to 9/11? What factors contributed to the successes and failures of the centers, in particular, how do the interests that participating agencies bring to the table and the rules HIDTA sets for their participation affect the HIDTA ISC operation? Do HIDTA reforms effectively address the factors that have undermined HIDTA intelligence operations in the past and provide the new intelligence sharing capabilities required in the post 9/11 environment?

D. METHODOLOGY AND SOURCES

The thesis relies upon a review of official HIDTA documents and interviews of key HIDTA participants, such as, Executive Directors, Deputy Directors, and supervisory intelligence analysts, to answer my research questions. In total 6 interviews were conducted. I will focus in particular on the functioning of, and reforms within, the New Mexico HIDTA, using a “political economy” framework.

1. Why New Mexico is Important as a Case Study

The New Mexico HIDTA was chosen as a case study because the large number of federal, state, and local agencies involved in its operation makes information sharing particularly important and challenging. In addition, New Mexico typifies the drugs-terror threat on the border that has been the focus of energies since 9/11, and which requires enhanced information sharing among agencies. The challenges of interagency coordination manifested themselves within the New Mexico HIDTA pre 9/11, gained renewed urgency in the immediate aftermath of 9/11, and were addressed in post 9/11 intelligence reconstruction. For these reasons the New Mexico HIDTA warrants a closer look.

A large number of agencies work along the New Mexico border to control the drug-terror threat posed by the porous border with Mexico. New Mexico is the fifth largest state in land area, has over 1.8 million residents, and shares more than 180 miles of international border with Mexico. According to New Mexico High Intensity Drug Trafficking Area statistics, the following volumes of traffic crossed the U.S.-Mexican border, at three designated Points of Entry (P.O.E.) in New Mexico (Santa Teresa, Columbus, and Antelope Wells).

<u>Type of Crossing</u>	<u>2001</u>	<u>2002</u>
Pedestrian Crossings At P.O.E.'s:	18,581,600	26,416,500
Truck Crossings At P.O.E.'s:	3,418,600	3,260,600
Car Crossings At P.O.E.'s:	57,400,700	76,534,000
Bus Crossings At P.O.E.'s:	46,600	94,700
<u>Total:</u>	79,447,500	106,305,800

Table 1. Volume of Traffic Crossing the U.S/Mexican Point of Entries¹

Those who enter the U.S. from Mexico should proceed through these formal points of entry for inspection. It is widely known that smugglers and drug trafficking organizations make every attempt to circumvent the P.O.E.'s in order to distribute their loads. "The total of illegal immigrants, which includes smugglers, is not exactly known but the United States Border Patrol estimates that between 60,000 to 80,000 illegal aliens safely entered New Mexico."²

The implementation of the North American Free Trade Agreement (NAFTA) has dramatically increased the volume of cross-border traffic at P.O.E's along the New Mexican-Mexican border. "From 1999 to 2000 the United States Customs Service reported a 30 percent increase in the number of commercial vehicles at the Santa Teresa P.O.E."³ As the statistics indicate, there is an indisputably large population of legitimate and illegitimate traffic crossing the border from Mexico into New Mexico.

In spite of the many successful seizures by law enforcement, several thousand pounds of undetected illegal narcotics, several thousand illegal immigrants, and an

¹ FY 2004 New Mexico High Intensity Drug Trafficking Area Threat Assessment

² Ibid. 10.

³ Ibid. 2.

unknown amount of contraband make it across the border. This raises the question of the possible connection between drug trafficking organizations and terrorists. Connections between terrorist groups and drug smugglers concern the United States not only because drug cartels often fund terrorist groups but also because their smuggling techniques might be used to sneak weapons of mass destruction into the country.

Because of the existing threat on the southwest border and the cascading effects it has throughout the nation and the State of New Mexico, the HIDTA has enlisted over 63 different agencies to form a common framework of interagency cooperation. The HIDTA consists of the following agencies:

Federal: Amtrak Police Department, Department of Defense JTF-6, Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, United States Marshal Service, Internal Revenue Service, United States Attorney's Office, United States Border Patrol, and United States Customs Service.

State: New Mexico Department of Corrections and Parole, New Mexico Department of Public Safety, New Mexico National Guard, and District Attorney's Offices of the First, Second, Third, Fifth, Sixth, Eleventh and Twelfth Judicial Districts.

County/Municipal: Albuquerque Police Department, Alamogordo Department of Public Safety, Artesia Police Department, Aztec Police Department, Belen Police Department, Bernalillo County Sheriff's Department, Bernalillo Police Department, Bloomfield Police Department, Carlsbad Police Department, Corrales Police Department, Deming Police Department, Dona Ana County Sheriff's Department, Eddy County Sheriff's Department, Espanola Police Department, Eunice Police Department, Farmington Police Department, Grant County Sheriff's Department, Hatch Police Department, Hidalgo County Sheriff's Department, Hobbs Police Department, Jal Police Department, Las Cruces Police Department, Lea County Sheriff's Department, Los Alamos Police Department, Los Lunas Police Department, Lovington Police Department, Luna County Sheriff's Department, Otero County Sheriff's Department, Questa Police Department, Rio Arriba County Sheriff's Department, Rio Rancho Police Department, Sandoval County Sheriff's Department, San Juan County Sheriff's Department, Santa Fe County Sheriff's Department, Santa Fe Police Department, Silver City Police

Department, Sunland Park Police Department, Taos Police Department, Taos Police Department, Tatum Police Department, Torrance County Sheriff's Department, University of New Mexico Police Department, and Valencia County Sheriff's Department.

Because of the increased threat and high volume of agencies participating within the HIDTA, there is a need for a hub of intelligence, event and case deconfliction, and database connectivity. This is what the New Mexico Investigative Support Center (ISC) has been designed to do. The HIDTA ISC is the intelligence centerpiece of law enforcement agencies within the State of New Mexico. The New Mexico ISC provides for the collection and commingling of vital Federal, State and Local law enforcement personnel and databases that are available to assist in counterdrug and anti-terror investigations and interdiction. The New Mexico ISC provides event and case deconfliction for officer safety and enhanced intelligence; strategic intelligence for refined targeting and officer resource allocation; and operational analytical support for ongoing initiative-driven case activity through access to criminal and commercial databases.⁴

The New Mexico HIDTA's structure is recognized as a force multiplier. Federal, state, and local law enforcement benefit from the additional resources, training, and intelligence that the HIDTA ISC provides. In the end, the threat of narcotics, the threat of illegal immigrants, and the threat of illegal contraband are true concerns for US national security. The New Mexico HIDTA, in essence, has provided additional infrastructure to combat these critical threats. As a result, the New Mexico HIDTA is a relevant organization to study and its existence on the southwestern border merits academic review.

2. Political Economy Framework

This framework focuses on how the interests of the key actors involved in the HIDTA intelligence process, as well as the institutional setting within which the actors interact, affects their incentives to share information. The political economy framework is classified into three broad paradigms: rational choice, institutional process, and symbolic

⁴ http://reform.house.gov/UploadedFiles/Director%20Chavez%20_witness_.pdf. Accessed 15 August 2004.

response.⁵ This examination will only look at rational choice and institutional process as contributing factors for information and intelligence sharing post 9/11.

The rational choice analysis of information sharing is to assume that the behavior of actors in the system (at what ever level of analysis one adopts) is determined by rational choice. “This means actors have stable preferences or interests, consider the alternative choices available to them, predicts the consequences of their choices, evaluate likely outcomes in terms of their interests, and choose the strategy with the highest expected value”.⁶ Simply stated, individuals seek the highest possible payoff through the use of a prudent decision making process.

The rational choice paradigm also attempts to explain how individual choices will aggregate into collective action. Rarely are outcomes dictated by any one actor. Rather, they are the consequence of choices jointly made by two or more players in a game.⁷ This approach has been applied to the behavior of individuals in groups and organizations, to contests among interest groups, to bureaucratic behavior, to legislatures, and now to information and intelligence sharing.

Institutional process is a second approach to the study of information and intelligence sharing. The basic premise held in this approach is that the behavior of actors is determined by preexisting institutions. This concept attempts to explain how rules, norms, routines, and other institutions limit options for actions and at least partially predetermine their selection, thus channeling behavior along established paths.⁸ In short, this process attempt to explain how internal regulations, internal norms, and internal routines will guide or dictate decisions that are desirable to further the goals or objectives of the entity in question. This approach, and that of rational choice, will be applied to the New Mexico HIDTA case study.

⁵ Mayer, Fredrick. Interpreting NAFTA: The Science and the Art of Political Analysis. A Framework for Political Analysis. P. 4.

⁶ Ibid.

⁷ Ibid. P. 5.

⁸ Ibid.

E. CHAPTER-BY-CHAPTER SUMMARY

Chapter II explores the functioning of the New Mexico HIDTA ISC in the 1990s. It begins with a description of when and why the HIDTA intelligence centers were created, the agencies that participate in the centers, and to what end their activities were intended to contribute (e.g., tactical, investigative, or strategic intelligence). The chapter shows that although HIDTA ISC's were created to overcome jurisdictional boundaries and increase information sharing, they failed to accomplish these goals.

A political economy framework that examines actor interests and institutional settings is used to explain why the HIDTA ISC failed to work properly prior to 9/11. Actor's interests are based on preferences, alternatives, consequences, and pay offs. Within the HIDTA ISC, distinct cultural divisions, jurisdictional battles, and the desire to maintain autonomous operations prevented member agencies from providing information to the ISC or utilizing it as a primary resource. In addition, although the institutional framework was in theory adequate to promote information sharing, HIDTA leaders failed to enforce the rules, regulations, and standard operating procedures that would have created incentives for information sharing.

Chapter III describes how the HIDTA has changed and how it has begun to operate in the post 9/11 environment. Two very important changes have occurred in the post 9/11 environment. First, the interests of actors have changed and now agents and administrators at all levels understand that in spite of organizational and procedural differences, information sharing is paramount. Second, institutional processes (rules and regulations) are now being enforced and sanctions are being levied to ensure information exchange is occurring at all levels. Interviews and qualitative findings show that the ISC is finally the centerpiece of the HIDTA organizational structure that it was originally intended to be. In addition, the HIDTA ISC will begin collecting and disseminating information on terrorist activity and on money laundering in an attempt to "fuse" larger amounts of information into intelligence for law enforcement agencies.

Chapter IV presents conclusions and policy recommendations. This chapter will summarize the impact of reforms on HIDTA operations and make recommendations on

continued improvement. HIDTA leadership should continue enforcing regulations since this has led to an improvement in information sharing. Policy recommendations include, HIDTA supervision must maintain strict adherence to information sharing rules, regulations, and policies. Strict adherence to these policies guides the actors within the HIDTA to make prudent decisions that foster information sharing between agencies. Also, leadership must control the divisive cultural and organizational behaviors that exist between agencies. Solving these immediate problems will free HIDTA leadership to focus on data base connectivity and HIDTA interoperability within the law enforcement community. Finally, the research indicated that the HIDTA ISC is understaffed based on the threat that it faces and the increasingly central role ISC is playing in HIDTA operations. In the past this understaffing has contributed to the marginalization of the ISC. HIDTA leaders must find the means to increase ISC staffing levels to prevent a recurrence of this problem.

II. ROLE OF THE HIDTA INTELLIGENCE CENTERS PRE 9/11

A. OVERVIEW

This chapter describes the creation of the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Centers (ISC), in the early 1990's, as one of the federal government's key efforts to increase the level of interagency cooperation in the war on drugs. It then describes how the HIDTA intelligence apparatus failed to fulfill its information-sharing role in the 1990s. Next, the chapter offers an explanation of why the HIDTA information sharing system malfunctioned pre 9/11. A political economy framework is used to understand how the interests of the member agencies participating within the HIDTA and the institutional rules and procedures governing their interaction undermined information sharing. In particular, the different jurisdictions, agency missions, cultures and protocols for protecting information of Federal, state, and local law enforcement agents created barriers to information sharing. In addition, the ISC leadership's failure to enforce existing rules and procedures and to create a robust intelligence capacity within the ISC meant that member agencies had few incentives to share information.

B. ROLE OF THE HIDTA ISC

At the height of the drug war in 1986, President Ronald Reagan signed a National Security Decision Directive that called drug trafficking a "threat to the national security" of the United States and directed all federal agencies with a role in drug enforcement to pursue counter narcotics efforts more actively. As a result of the Executive's declaration of war on the American drug epidemic, other governmental bodies began to address the drug problem in the form of policy changes and even in legislation. The United States Congress is one of the key governmental bodies that began to restructure the American government to defend against the war on drugs.

Congress authorized and funded a national drug control office. The Office of National Drug Control Policy (ONDCP) was created. Congress also felt that there was a need to focus resources on the areas where drugs were entering the nation and created the High Intensity Drug Trafficking Areas program in response. The program was created by the Anti-Drug Abuse Act of 1988 and first funded in 1990, when federal funds were

appropriated to five areas of the United States that were considered the most critical high intensity drug trafficking area “gateways” for drugs entering the nation. The five regions included specific designated counties in Los Angeles, CA, Houston, TX, New York/ New Jersey, South Florida, and the Southwest Border. By 2004, there were 26 HIDTA-designated regions.

The HIDTA mission is to coordinate the efforts of local, state, and federal drug law enforcement agencies at the level of both operations and intelligence. Examples of operational initiatives are the, “U.S. Marshals leading task forces focused on fugitives, U.S. Customs Service leading initiatives focusing on drug profits, and Marine interdiction task forces lead by the U.S. Coast Guard.”⁹ Examples of intelligence roles are, gathering and analyzing information from seizure reports, open source data, and general drug intelligence reports and providing this intelligence to investigative and interdiction task forces.

As the HIDTA framework was in the developmental stages, ONDCP directed that an essential element, in the form of a viable intelligence apparatus be included into each HIDTA. As a result, the HIDTA ISC was created to fulfill several key investigative and intelligence roles within the HIDTA structure. The HIDTA structure is set up so that the intelligence “brain” of the apparatus can directly and safely apply the “muscle” of enforcement in the appropriate place at the right time. This type of action is commonly referred to as intelligence driven operations. With interagency coordination as the backbone of the HIDTA mission, information exchange – the responsibility of the Investigative Support Center (ISC) -- has quickly become the centerpiece of the HIDTA nationwide.

The ISC mission, as dictated by ONDCP, is as follows, “To provide accurate, detailed, and timely tactical, investigative, and strategic intelligence to HIDTA-supported task forces, in an effort to provide more effective and efficient utilization of drug investigative resources.”¹⁰ The ISC “collocate[s] and commingle[s] participants from

⁹ Design For A HIDTA/OCDETF Performance Monitoring and Management System. Office of National Drug Control Policy. January 2003. p. 11.

¹⁰ Office of National Drug Control Policy. HIDTA INTELLIGENCE SYSTEM. Section IX of the HIDTA Program Policy & Budget Guidance Manual. p. 2.

federal, state, and local agencies, who interact on a daily basis and have on-site access to the agencies intelligence databases.”¹¹ By collocating and commingling law enforcement agents from the D.E.A., F.B.I., State Police, and Metropolitan complexes in one building, lines of communication are created and agencies that may not have otherwise communicated are now working and communicating together on a daily basis.

Moreover, the collocation of agencies in the HIDTA ISC is intended to create partnerships that, “Balance power between law enforcement leaders which ensures the integration and synchronization of efforts to reduce drug trafficking, eliminate unnecessary duplication of effort, maximize resources, and improve intelligence and information sharing both within and between agencies.”¹² According to the Drug Enforcement Administration,

The HIDTA Investigative Support Center creates a system that empowers agencies to synchronize their efforts. In addition to providing additional equipment and technology, the program enables drug control agencies to pioneer new ways of collaboration. The agencies communicate more rapidly and effectively and actively share intelligence resources, such as, manpower and equipment. As partnerships mature, personnel from different agencies hand off cases to each other and conduct cross-case analysis. By working together, agencies develop a common vision and collective problem solving techniques.¹³

A federal law enforcement presence within the HIDTA ISC translates information into useful strategic intelligence on major drug trafficking organizations, money launderers, and narco-terrorist organizations. Intelligence is then passed to the field operators, other agencies, and, if necessary, to the El Paso Intelligence Center (EPIC) where it is vetted at a strategic intelligence clearinghouse. Federal agents then develop cases and courses of action based on the intelligence gained from the HIDTA ISC or from EPIC. Federal presence is mandatory within the ISC.¹⁴

State and local law enforcement rely on the HIDTA ISC for tactical and/or investigative intelligence. ISC personnel receive raw data in the form of seizure reports

¹¹ Ibid.

¹² <http://www.whitehousedrugpolicy.gov/hidta/overview.html>. High Intensity Drug Trafficking Areas (HIDTA): Overview. p. 3. Accessed 18 MAR 04.

¹³ Ibid.

¹⁴ Interview. New Mexico HIDTA FBI Supervisor. Steve Hale. 20 APR 2004.

and incident reports, this data is then piecemealed into trend data for law enforcement officers to plan and execute tactical level operations. State and local law enforcement officers are the ambassadors to the community and their presence has a visible and direct impact on the local communities they represent. ISC intelligence allows local enforcement task forces to focus on the local communities and conduct operations that have immediate impacts on their local neighborhoods.

New Mexico HIDTA analysts support 16 ongoing New Mexico HIDTA investigation, interdiction, and prosecution initiatives. Analytical staff and leadership must ensure that the expected outputs of the New Mexico ISC Initiatives contribute to the realization of the nine core information sharing performance measures described in Section 9.03 of the ONDCP program policy. These performance measures are:

Performance Measure # 1	Event Deconfliction
Performance Measure # 2	Case Subject Deconfliction
Performance Measure # 3	Post Seizure Analysis
Performance Measure # 4	Analytical Case Support
Performance Measure # 5	Strategic Intelligence
Performance Measure # 6	Connectivity to Other Databases
Performance Measure # 7	Drug Threat Assessments
Performance Measure # 8	Reports of Drug Seizures by Agencies to the National Drug Seizure System at EPIC When Developed
Performance Measure # 9	Photo-Imaging Network Capability

Table 2. Nine Core Information Sharing Performance Measures Prescribed by ONDCP¹⁵

The nine core goals of information sharing establish tangible objectives that guide the New Mexico ISC efforts in the arena of information exchange and intelligence

¹⁵ Office of National Drug Control Policy. HIDTA INTELLIGENCE SYSTEM. Section IX of the HIDTA Program Policy & Budget Guidance Manual. p. 2.

sharing. The use of database technology, analytical case support, and firmly rooted information sharing policy are the foundation of the ISC support to the field. In the 1990's, these mechanisms were in place yet they yielded little results. The core information sharing goals were undermined by inter-agency conflict and a leadership that failed to emphasize their importance.

C. FUNCTIONING OF THE HIDTA INVESTIGATIVE SUPPORT CENTERS IN THE 1990S

Views of information sharing, pre 9/11, largely reflected the attitudes of law enforcement nationwide. In order to test law enforcements willingness to share information a 1990 Operation Alliance Joint Command Group conducted a survey of information sharing within the southwest border region. A feasibility study was conducted to determine what intelligence exchange and management might be supported by member agencies in the Southwest border states. "The survey found that of those surveyed 90 percent indicated a willingness to integrate data from all concerned agencies into a single source for the South West Border. 'Disturbingly', however, while 81 percent of the respondents indicated they would want access to the data of other agencies, only 67 percent would allow access to their data . . . it became clear that almost all respondents would only allow indirect access to their data".¹⁶ The findings indicate that the logic of law enforcement was imperfect when it came to sharing information. The "receive and not give" mentality was the single defining characteristic of law enforcement at all levels. This defining characteristic is what contributed to the HIDTAs information-sharing nightmare.

An excerpt from the Operation Alliance meeting summarizes the state of intelligence sharing pre 9/11 very well,

Respondents were not satisfied with the present situation, characterizing information/intelligence exchange as being "hit or miss," with actual "intelligence business" being conducted by personal contact and investigator meetings-in short on a case by case basis. They cited "limited

¹⁶ J.F. Holden-Rhodes. Sharing the Secrets: Open Source Intelligence and the War on Drugs. Praeger Publishers. Westport, CT. 1997. p. 90.

connectivity between existing and planned networks” and “limited integration of federal efforts with those of state and local.¹⁷

The Operation Alliance survey highlights the mindset of law enforcement nationwide and the results can be directly applied to the New Mexico HIDTA ISC. Agencies were not sharing information and the information they did share was “hit or miss”. There was no incentive to connect initiatives within the HIDTA. Furthermore, there were no incentives to connect to external organizations outside of the HIDTA to enhance information sharing. As a result, individual actors opted not to share with other agencies and rationalized that withholding information was the right thing to do. Pre 9/11, connectivity and interoperability, nationally and within the New Mexico HIDTA ISC, was bleak at best.

Prior to 9/11, the New Mexico HIDTA ISC was not adhering to its adopted ONDCP mission statement or the nine core performance criteria. According to a New Mexico HIDTA supervisor, the mission of the New Mexico HIDTA ISC was as worthless as the paper it was printed on.¹⁸ On paper there was an established mission, on site there was a building labeled the ISC, and there were analysts and supervisors gainfully employed; yet the ISC was rarely being used as an information sharing or intelligence producing resource.

HIDTA intelligence operations, prior to 9/11, were characterized as several law enforcement agencies working in the same building but to an extent not working together. Most, if not all, HIDTA entities were working autonomously, engaged in jurisdictional battles, investigating the same criminal organizations or individuals, and hoarding potentially critical information. This problem permeated HIDTA ISC’s nationwide. Evidence of this systemic problem surfaced in national conferences conducted by ONDCP while trying to reconstruct the ISC post 9/11.¹⁹ Interagency conflict and the threat it presented to information sharing were topics of interest by working groups as they attempted to find and fix problems that hampered information sharing HITDA wide. One of the problems identified was making assumptions that by placing federal, state,

¹⁷ Ibid.

¹⁸ Interview. Un-named New Mexico HIDTA supervisor. 23 August 2004.

¹⁹ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 15 December 2003.

and local agents in one building that information sharing would become automatic. This was not the case, nationally, and more specifically within the New Mexico HIDTA ISC. To the contrary, relations between federal agents, on the one hand, and state and local agents, on the other, were characterized by mutual recrimination. Pre 9/11 state and local agents accused federal agents of hoarding information and failing to share information on a regular basis. Federal agents dismissed this accusation only to shift the blame to state and local agencies for their lack of information security and habitual tendency to leak information to the media.

Autonomous operations also characterized the HIDTA in the pre 9/11 era. The ISC should have worked to deconflict and coordinate operations and investigations. Its failure to do so could have serious consequences. For example, three different New Mexico HIDTA cooperating agencies were simultaneously investigating the same Mexican drug trafficking organization. At face value, this was not a problem. But the problem emerged when each agency attempted to proceed with law enforcement action only to find that their duplication of effort and lack of information sharing critically hampered the case in the adjudication process.²⁰ A local agency charged the defendant with a misdemeanor crime and the federal agency charged the defendant with a felony crime. As a result, the defense attorney moved to have the felony dismissed and had the defendant plea to the misdemeanor offense. If the HIDTA cooperative agencies would have joined forces and preceded in a unified effort, then a more efficient investigation could have been conducted while ensuring that the strength of the case would not have been jeopardized. The HIDTA ISC could have facilitated coordination with an alert, an intelligence report, or even a simple email to notify these agencies that they were investigating the same case.

To illustrate further the seriousness of autonomous actions without ISC event deconfliction, reference will be made to a “Blue on Blue” incident that occurred on the Arizona/Mexican border at the Coronado National Monument in July of 2002. Two federal law enforcement agencies were conducting nighttime, counter-narcotic operations, in an area that experiences high levels of smuggling, without knowing that the

²⁰ Ibid.

other agency was operating in the same area of operation. As each agency progressed with its mission, they unknowingly encroached upon one another. As a result, US Customs agents encountered US Border Patrol agents and drew their weapons on them believing that they were involved in an illegal smuggling operation. In the end, no rounds were fired and no one was hurt but the incident has been described by several law enforcement officials, as one of the most serious interagency coordination blunders that has occurred on the southwestern border.²¹

In these cases (and others), consultation and coordination could prevent agencies from working at cross-purposes. It would also allow affected agencies to make plans to deal with the unintended consequences of the drug control efforts of others.²² At any given time, as many as ten different law enforcement agencies (i.e. US Border Patrol, US Customs, National Guard, JTF-6) operate in the same area of operation along the border. Considering the likelihood of possible surprise contact incidents between “friendly” agencies, all operations should be coordinated through a central intelligence center.²³ The HIDTA ISC was designed to deconflict operations occurring simultaneously and in the same vicinity as one another. Unfortunately, in the case above and generally during the 1990’s, it can be argued that critical information was not communicated, events were not coordinated, and cooperation between agencies was not occurring.

Another very serious challenge to information sharing was the fact that the ISC data base infrastructure was not being utilized and moreover not being improved upon. Pre 9/11, the New Mexico ISC was designed to provide HIDTA task forces with operational analytical support for ongoing initiative case activity through access to criminal and commercial databases. These databases were to assist with event and case deconfliction for officer safety, enhanced intelligence, and intelligence for refined targeting and officer resource allocation.²⁴ Unfortunately, a stagnate information sharing

²¹ Luoma, Benjamin. “Blue on Blue” Coordination Failures. Counter drug website. https://www.counter-drug.net/course/admin/course_forum_message_view.cfm?message_id=92. Accessed 09 September 04.

²² https://www.counterdrug.net/course/studies.cfm?course_id=5&cci=mechanisms_coordination&content_page=16. Accessed 03 January 2004.

²³ https://www.counter-drug.net/course/admin/course_forum_message_view.cfm?message_id=92. Accessed 09 September 04.

²⁴ <http://www.whitehousedrugpolicy.gov/hidta/nmex-content.html>. Accessed 17 September 2004.

environment, from the top down, hampered the establishment of protocols to allow appropriate on site terminal access to the primary databases of all HIDTA law enforcement agencies. It was stated that pre 9/11 data base access was futile. The ISC data base infrastructure was arthritic.²⁵ Interoperability and connectivity of HIDTA databases was a national objective, yet the New Mexico HIDTA was having problems just having its own agents utilize the system. The New Mexico HIDTA did not possess significant internet access and did not possess secure or encrypted email services, which further lead to communication problems. The system was not recognized as viable and by default agents and agencies utilized organic resources to get the job done. For example, the F.B.I. only sampled information within the F.B.I. database, the D.E.A. only sampled from the D.E.A. criminal database, and state and local agencies only sampled from department criminal databases. As initiatives strayed away from the ISC's database infrastructure, they not only put themselves in danger regarding "Blue on Blue" incursions but also fostered lack of information sharing and duplication of effort by working at cross purposes.

The New Mexico ISC was also poorly connected to data base nodes throughout the national HIDTA organization and national information sharing systems. This problem limited New Mexico ISC communication with agencies in surrounding states and regions. In spite of this shortcoming, efforts to connect to other databases and to other information sharing nodes failed to occur.

Limited security clearances and lack of "trusted agents" security clearances added to the problem of information exchange. Pre 9/11 state and local agents were denied access to information because their security clearances were not sufficient. Federal agents are granted secret clearances upon receipt of their federal commission. It is not unusual for agents to be granted top-secret clearances based on agency needs. As a result, agents are relatively unrestricted in the amount of information they can exchange between federal agencies and key players within those agencies. State and local agencies are at a serious disadvantage because officers do not receive clearances commensurate to their federal counterparts. State and local agencies have the ability to receive higher-

²⁵ Interview. Un-named NM HIDTA supervisor. 23 August 2004.

level clearances but they are costly and are pursued less frequently. This created a vicious cycle of failed information sharing: federal agencies did not share information with state and local players because of limited clearance levels and identifying “trusted agents” was difficult because a minority of state and local agents possess clearances above secret. These are problems that undermined information sharing within the HIDTA ISC pre 9/11

HIDTA operations in the 1990’s were problematic to say the least. ONDCP goals were not being met, HIDTA internal goals were not being met, and most importantly the mission of information exchange and intelligence sharing was ineffective. HIDTA officials reported that only an estimated 60 percent of HIDTA participants were utilizing existing database infrastructure to share information.²⁶ This is an abysmal estimate that reflected the plight of information sharing within the HIDTA. Why did member agencies refuse to share information? Why did the HIDTA leadership tolerate these behaviors? The political economy framework will be used as a theoretical guide in an attempt to answer these questions. Focus will be placed specifically on the interests of individual actors and the institutional process that led to the malfunctioning status of the New Mexico HIDTA ISC.

D. WHY THE ISC MALFUNCTIONED: ACTORS’ INTERESTS AND INSTITUTIONAL FAILINGS

In order to understand why the ISC failed to operate properly prior to 9/11, it is necessary to examine both the interests of the main actors involved in the ISC and the institutional rules that shaped their interaction. Rational Choice analysis, or the assessment of the individual interests, assumes that “actors have stable preferences or interests, consider the alternative choices available to them, predict the consequences or their choices, evaluate likely outcomes in terms of their interests, and choose the strategy with the highest expected value.”²⁷ In the case of the ISC, competing identities put federal, state, and local law enforcement agencies at odds with one another. As a result of agency differences, individual actors possessed different interests, which lead to different preferences and ultimately different decision-making processes.

²⁶ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 15 December 2003.

²⁷ Mayer, Fredrick. Interpreting NAFTA: The Science and the Art of Political Analysis. A Framework for Political Analysis. P. 4.

As a result, individual interests and agendas created a divisive environment that severely hampered information exchange. The fractures in the HIDTA organization were based on agency norms and loyalties.²⁸ Shortcomings based on the interests of individual actors flawed the HIDTA intelligence structure and negatively affected the “interagency” information sharing process.

In addition, this section examines how the internal regulations, norms, and routines of the ISC shape the decisions of actors to share or withhold information from the ISC and to utilize the center’s services. Pre 9/11, the HIDTA institution was developed but operations in accordance with the established institutional processes had gone awry. The HIDTA leadership was not enforcing rules that fostered information sharing and they were failing to provide incentives or impose sanctions on initiatives that were failing to share information. The following sections will speak specifically about the misgivings of actor’s interests and the derelict mismanagement of institutional processes pre 9/11.

1. Actor’s Interests

Historically, federal agents have focused specifically on higher-level cases. Working national and international level cases is common ground for federal agents. Cases of this nature require agents to think strategically and more often than not, above and beyond, the tactical level. Federal agents pursue criminal organizations that pose a significant threat to national assets and critical infrastructure, the national economy, and established freedoms. US Customs, D.E.A., and the F.B.I. placed great emphasis on the national and international narcotic struggles on the Southwest border. These organizational goals channeled their behaviors away from state and local issues and more toward US-Mexican border issues. In addition, federal agents preferred to cultivate informants and build cases against the leadership of major drug-trafficking organizations -- a process that could take months or even years – rather than making immediate arrests. Information security management concerns (discussed above) further defined the interests of the federal agents nationally and within the HIDTA ISC. These interests led to stratification within the ISC and ultimately to the faulty information sharing system.

²⁸ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 07 September 2004.

State and local agents within the ISC also had unique preferences that contributed to the divide in information sharing. Local agents were not quite as willing to patiently cultivate a case when an arrest could be made and an immediate impact in a community could be effected. State and local agents viewed the federal agents as ineffective because they would not choose to take immediate action on blatant criminal violations. This typifies the “tactical mentality”. As a result, state and local agents withdrew from interaction with the federal agencies because of the differences in organizational goals. State and local agents also viewed the federal agents as secretive and unwilling to pass information to the street agents. This caused state and local interest to shift from looking toward the federal agents for information to seeking information from one another. Once again this resulted in division between the HIDTA participants.

The most prominent problems that plagued the HIDTA organization were divisive cultural issues, jurisdictional disconnects, and pursuit of individual agency goals. For example, state and local agents viewed the federal agents as secretive and unwilling to pass information to the street agents, while federal agents viewed state and local operators as threats to information security and large-scale operations. These competing identities put federal, state, and local law enforcement agencies at odds with one another.

Another problem identified is that in spite of having the same overarching goal of fighting drug trafficking, federal and state agencies had different missions. Federal agencies spend 99 percent of their time working strategic issues that require lengthy investigation and are time consuming, while state and local officials spend 99 percent of the time focused on tactical solutions to affect immediate results within their local communities. For example, federal agencies work tirelessly to track and identify the highest players in an organization. This process is lengthy and time consuming. The conflict arises when state and local agents make immediate arrests as opposed to cultivating a source for high-level exploitation. Federal agencies view their method as a long-term solution for society and state and local agencies view their method as the immediate and highly visible benefit to their communities. These different agendas impeded information sharing. This is a confusing phenomenon because naturally one thinks that law enforcement agencies are all on the same side. They are the “good guys” trying to fight drugs and put the bad guys in jail. Since they have the same goals, one

would think they would cooperate and yet they don't. Why is that? A closer look into each agency will provide more insight into the pre 9/11 organizational behaviors of the federal, state, and local law enforcement agencies.

It was stated that pre 9/11, no one was sharing information, especially the federal agents. They hoarded information so they could receive credit for large-scale interdictions and positive media for their agencies.²⁹ This was a common perception within the New Mexico ISC. A state agent was quoted as saying, "the feds expected information to be pushed up to them but they never produced a deliverable back to the state or local agencies".³⁰ This frustrated information sharing and caused tension between the co-located agencies. An August 2003 report by the Governmental Accounting Office (GAO) on information sharing among Homeland Security agencies further illustrates this information-sharing problem within the federal ranks. The GAO report surveyed law enforcement agents at all levels on the timeliness, accuracy, and relevance of federal information sharing. The results are below:

	Timely		Accurate		Relevant	
Federal Sharing with	#	%	#	%	#	%
	*	*	*	*	*	*
Federal (n=16)	6	38	5	31	7	44
State (n=40)	15	38	19	48	20	50
Large Cities (n=106)	24	23	41	39	42	40
Small Cities (n=122)	17	14	26	21	27	22

Table 3. Information Sharing from the Federal Government: Timely, Accurate, or Relevant³¹

²⁹ Interview. Un-named New Mexico HIDTA supervisor. 23 August 2004.

³⁰ Ibid.

³¹ GAO Report. Homeland Security: Efforts to Improve Information Sharing Need to Be Strengthened. August 2003. p. 21.

Table 3 highlights that city agencies in general, and particularly those in small cities, felt that federal agencies failed to share timely, accurate, or relevant information. State and other federal agencies have a somewhat more positive view of the information-sharing practices of federal agencies, but they still report remarkably unsatisfactory practices (e.g., only 38 percent reported information sharing on a timely basis).³²

The GAO formally published the following summary based on the reports finding:

Our survey results confirm the perception that the information that respondents do receive is not often seen as timely, accurate, or relevant. And, of the three aspects, respondents reported that timeliness was more of a problem than accuracy or relevancy. This supports a common complaint we heard from police chiefs – that they wanted timely information but would often receive information from national news sources at the same time that the public received it. This lack of timeliness was often attributed to the federal government’s historic reluctance to share information with local law enforcement officials.³³

The GAO’s findings illustrate the dilemma that the HIDTA ISC was faced with in the pre 9/11 environment. When the federal agents did pass on information it was more often than not viewed as lacking accuracy, lacking timeliness, and lacking relevance. What exacerbated the problem even greater was the fact that the ISC was not being utilized. The ISC was in place to speed up information exchange with the, value added bonus, of screening out information that was not accurate or reliable. Individual preferences led the federal agents to purposely withhold information.

Federal agencies have historically held on to information because they felt it was safer in their hands. State and local agencies continually complained that information was not getting back to them. Federal agents protected their interests and their actions were to withhold information for a variety of reason. Referring to the GAO report on information sharing, several barriers have been identified that prevent federal agencies from providing other agencies with information. The results are as follows:

³² Ibid. p. 23.

³³ Ibid. p. 22

	Percentage		
Category	Federal to Federal	Federal to State	Federal to Cities
Legal Barriers	13	13	25
Lack of interest	6	0	0
Cultural	6	0	0
Jeopardize ongoing missions	13	13	0
Lack of confidence to limit disclosure	6	19	6
Lack of confidence in management	6	0	0
Concerns with disclosing sources and methods	6	25	19
Lack of integrated databases	38	38	31
Lack of Clearances	NA	44	50

Table 4. Perceived Barrier Preventing Federal Agencies for Sharing Information³⁴

As shown in table 4, federal officials cited several barriers that they perceive prevent them from sharing information. The two most frequently cited reasons are lack of clearances among state and local officials and lack of integrated databases (see discussion above). In addition, federal agents were concerned with state and local officials ability to keep sources and methods confidential and possible legal barriers to information sharing. Legally, federal agencies were bound to withhold information that was of national interest or of a classified nature. State and local agencies did not have a need to know. The federal agents, strictly, withheld sensitive information. Unfortunately, they also strictly withheld most information. Federal agencies stern adherence to legal information sharing guidelines permeated into general information exchange and created an insurmountable barrier for HIDTA participants in fulfilling their information/intelligence needs. These barriers stalled information sharing within the HIDTA ISC.

Each of these barriers has been specifically cited as contributing to the failure of the HIDTA ISC in the pre 9/11 environment. State and local agencies are trained and competent and the federal agencies did not recognize this. As a result, the federal agents

³⁴ Ibid. p. 27.

rationality chose to withhold information, and based on their actions the HIDTA ISC faltered. Another example of the stratification between law enforcement agencies was noted in the December 2002 report of the Gilmore Commission. It stated, “the prevailing view continues to be that the federal government likes to receive information but is reluctant to share information with other partners. Furthermore, the commission stated that the federal government must do a better job of designating “trusted agents” at the state and local levels and in the private sector, and move forward with clearing those trusted agents.”³⁵ The GAO’s findings mirror what the Gilmore Commission states,

The perceived barriers were seen to exist by only a few respondents and could be overcome. For example, state and local police routinely handle and protect law enforcement sensitive information to support ongoing criminal investigations, which suggests that with proper training and equipment officials of these governments could handle other types of sensitive information as well.³⁶

In order to create a more accurate picture state and local challenges to information sharing must also be exposed. The 2003 GAO report also highlights how federal agents perceived the timeliness, accuracy, and relevance of state and local agencies.

Cities Sharing with	Timeliness		Accurate		Relevant	
	#	%	#	%	#	%
Federal (n=16)	2	13	2	13	1	6
State (n=40)	14	35	17	43	10	25

Table 5. Information Sharing from City Government: Timely, Accurate, or Relevant³⁷

³⁵ Ibid. p. 26.

³⁶ Ibid. p. 27.

³⁷ Ibid. p. 25.

	Timeliness		Accurate		Relevant	
State Sharing with	#	%	#	%	#	%
Federal (n=16)	2	13	1	6	1	6
Large Cities (n=106)	32	30	36	30	36	30
Small Cities (n=122)	21	17	36	30	36	30

Table 6. Information Sharing from the State Government: Timely, Accurate, or Relevant³⁸

These charts indicate that federal agencies have a much more negative view of information sharing than state and local agencies. Few of the federal agencies that responded viewed the state or local information as timely, accurate, or relevant. When the results of the GAO survey are cross-walked and compared to the New Mexico ISC, it illustrates the point that federal agents were isolating the rest of the HIDTA participants and further perpetuating the faulty mindset in regard to information exchange. These tables quantitatively reemphasize, the point that there was an information sharing divide between the federal and state and local agencies.

In sum, the federal agencies created bad feelings throughout the HIDTA organization because they simply wanted to withhold information because they didn't feel others were capable of handling, storing, and maintaining operational security with law enforcement sensitive data. Their efforts to hold on to such information were for valid reasons. Yet they never made attempts to train state and local law enforcement agents in the handling of sensitive material. Nor did they attempt to grant appropriate security clearances to subordinate agencies. As a result, other agencies chose to pull further away from the formal HIDTA body and they in turn began to act autonomously. As a result, individual actors began to act in their own best interest. In the end, this behavior virtually dismantled the HIDTA intelligence apparatus. Unfortunately, the motivations of each agency hampered the ability of the HIDTA to share information.

³⁸ Ibid. p. 24.

2. Institutional Processes

The other dimension of the New Mexico HIDTA information-sharing problem was created by what can be described as lackadaisical and derelict mismanagement of not only HIDTA resources but also the HIDTA ISC. The most prominent and detrimental institutional process that affected the HIDTA ISC, pre 9/11, was simply not enforcing established rules, regulations, and policy. Unfortunately, management did not see fit to enforce the policies and procedures on the subordinate initiatives. It was stated that pre 9/11 information exchange was not a priority and not emphasized as a critical undertaking.³⁹ As a result, there was no incentive or even any sanction concerning information exchange. The institutional processes compromised the integrity of the HIDTA with the qualities of a substandard, weak, and inefficient information sharing system.

ONDCP guidance mandates that all HIDTA activity must be coordinated through the ISC. It states specifically,

HIDTA enforcement initiatives must coordinate their activities with the intelligence subsystem. Identification of all drug criminal targets should be coordinated through the intelligence subsystem to facilitate cross-case analysis, prevent duplication, and ensure the Executive Board, where appropriate, has sufficient information to establish priorities.⁴⁰

By design, the ISC was to be the centerpiece or hub of HIDTA operations. Pre 9/11 this guidance was no different, yet it was not enforced with any vigor. ISC queries were estimated to be as low as 60 percent across all initiatives.⁴¹ According to HIDTA policy all initiatives should report and query the ISC 100 percent of the time on all events and activities that each initiative has undertaken. This is a rudimentary way of ensuring information was at the very least being viewed but ideally being transferred between and among initiatives. Individual initiatives were failing in their obligation to report and retrieve information from the HIDTA ISC. Because many of the HIDTA agencies were acting on their own volition and failing to coordinate efforts with the ISC, they were in

³⁹ Interview. Un-named New Mexico HIDTA supervisor. 23 August 2004.

⁴⁰ Office of National Drug Control Policy. HIDTA INTELLIGENCE SYSTEM. Section IX of the HIDTA Program Policy & Budget Guidance Manual. p. 4.

⁴¹ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 14 September 2004.

direct non-compliance with ONDCP rules and regulations. HIDTA supervisors were also in non-compliance because they failed to regulate these actions. It was a vicious cycle that was uninterrupted with complacency.⁴²

Prior to 9/11, it was the responsibility of the US Customs agent in charge to regulate information sharing and ensure that the ISC was operating according to the mandate prescribed by the Office of National Drug Control Policy (ONDCP). According to interviews of HIDTA participants, this formal regulation was not occurring. Although a formal information-sharing policy was in place, day-to-day operations and practices did not adhere to this policy.⁴³ State and local agencies felt that only the interests of the federal agencies were being catered to. This perception was, one, created because the federal agencies were not sharing valuable or relevant information and two, because the fact US Customs was in charge, lent to the already scandalous premise that federal agencies were uncooperative and unwilling to share information. In response, state and local operators banded together and virtually excommunicated themselves from federal agents. As a result, the inconsistent application of policy and the cultural clash created a chasm that could not be bridged.

Within the organizational struggle was a separate and equally damaging struggle occurring within the ISC. Staffing levels were at an all time low, 6 analysts, to support over 10 HIDTA initiatives.⁴⁴ Existing analysts were disgruntled and in need of reprieve. Even though a large amount of information activity was not occurring within the ISC, the volume of work exceeded the amount of labor that six analysts could efficiently provide. This in turn created a weak product, back logged requests for information, and unpleasant environment in which to operate. According to one HIDTA supervisor, the understaffed and unhappy analysts support from the ISC was so poor that HIDTA undercover agents discarded the formal information channels – that is, ISC inquiries -- for less formal, word of mouth, means of gathering and exchanging information.⁴⁵ Unfortunately, the

⁴² Interview. Un-named New Mexico HIDTA supervisor. 23 August 2004.

⁴³ Ibid.

⁴⁴ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 14 September 2004.

⁴⁵ Interview. Un-named New Mexico HIDTA supervisor. 23 August 2004.

ambivalent circumstances created by management forced the HIDTA body to collectively circumvent the formal channels of information exchange, which in turn marginalized the ISC and diminished its net worth.

The bottom line is that management created no incentive to share information and the result was division among agencies and virtually no information sharing. According to HIDTA operating procedures, when initiatives fail to share information they are subjecting themselves to budgetary sanctions. HIDTA supervisors can also administer verbal or written reprimands to those who do not engage in information exchange or coordinate operations through the HIDTA ISC. Finally, personnel evaluations are tied directly to information exchange and ISC utilization. With such policies in place, mechanisms existed to regulate information exchange. Still, HIDTA management failed to impose sanctions or adverse personnel actions against those non-compliant with established regulation. Management perpetuated this problematic environment and as a result the system operated as a “lame duck”.

The rules, regulations, and standard operating procedures were not enforced and at times applied ambiguously. As a result, the formal regulations that were in place for information sharing were disregarded and further lent to the faulty structure within the New Mexico HIDTA. Because initiatives were not working together, and because the ISC was ineffective, an economy of force or synergy between agencies could not be cultivated. As a result, several agencies continued to duplicate investigative efforts when the information was already in the hands of another agencies co-located within the HIDTA ISC.⁴⁶ This inefficient operation was rarely regulated and because it went unchecked it became widespread and pervasive and further lead to the great divide between agencies.

E. CONCLUSION

The HIDTA ISC was designed to be the centerpiece of all HIDTA operations – to foster interagency cooperation, interagency coordination, and bolster information exchange and intelligence sharing. However, in the pre 9/11 environment the HIDTA ISC was marginalized through autonomous operation, cultural differences, jurisdictional battles, and weak management at all levels. Standards were not being enforced, sanctions

⁴⁶ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 14 September 2004.

were not being imposed, and personnel actions were not being administered. Individual actors turned inward and it appears as if management turned a blind eye. Management failed to ensure that the HIDTA ISC was the centerpiece of information operations, in turn counter productive information sharing procedures literally destroyed the ISC. The following chapter examines how ISC operations have improved in the post 9/11 era of intelligence reconstruction. Once again the examination will focus on actors interests and institutional processes.

THIS PAGE INTENTIONALLY LEFT BLANK

III. OPERATION OF THE ISC POST 9/11

A. OVERVIEW

This chapter will evaluate the extent to which the New Mexico HIDTA investigative support center has fulfilled its information and intelligence sharing responsibilities post 9/11. It will also examine the factors that have shaped its ability to do so. First, the changes that occurred within the HIDTA ISC in the immediate aftermath of 9/11 will be examined. Next, an examination of ISC operations, post 9/11, will address the question, “Have operations of the ISC proven to be successful”? And finally, a look at the future of ISC operations will be brought to light. Focus will be placed on the ISC’s evolution into a multi-crime intelligence fusion center. The primary focus, throughout, will be on actor’s interests and institutional processes. Post 9/11, the majority of actor’s began to share information at a greater rate due to the fact of greater enforcement of the organizational rules, regulations, and policies. As a result, interoperability and connectivity between HIDTA initiatives and the law enforcement community improved greatly.

B. CHANGES IN INSTITUTIONAL PROCESSES AFTER 9/11

Another very important change that occurred post 9/11, was an entire administration change and restructuring of who had control of the HIDTA ISC. US Customs abdicated under intense scrutiny, a new director and deputy director were hired, New Mexico State Police were designated as co-managers of the facility (check and balance on Federal Agencies), and ONDCP was monitoring HIDTA activity very intently. These changes were intended to send a clear message to the HIDTA initiatives that individual interests shall conform to established information sharing guidelines. The HIDTA began reshaping and molding the dilapidated system and reinvigorating the antiquated mentality that the individual actors possessed. The immediate aftermath of 9/11 signaled a new way of doing business.

The standard has changed for the New Mexico HIDTA ISC. Post 9/11, the HIDTA and the ISC are operating in a highly regulated environment. Procedural changes in the immediate aftermath of 9/11 now strictly govern information sharing policy. There

are legitimate measures in place that ensure information exchange and intelligence sharing are evaluated based upon initiative outcomes/results.

Performance monitoring is now an integral part of the HIDTA. The system of performance monitoring places greater emphasis on the leadership to ensure that initiative outcomes are meeting their prescribed goals. Leadership is being held accountable by the national HIDTA administration as well as ONDCP. To ensure that the system is running as designed, ONDCP will provide additional oversight of the HIDTA programs through internal and external reviews of individual HIDTA efforts.⁴⁷ According to Mr. Terry Azbill, Southwest Border HIDTA Executive Director, “the outcomes of each HIDTA initiative, to include the ISC, will be the evaluation criteria that determines success and failure of HIDTA nationwide. This evaluation criterion will then cascade down and similarly determine the strengths and weaknesses of initiative information sharing.”⁴⁸

At the beginning of each fiscal year, all HIDTA initiatives submit goals and objectives that they intend to accomplish throughout the year. To ensure these goals and objectives are either being met or exceeded, HIDTA supervision requires monthly, quarterly, and yearly status reports. These reports display outcomes that occur throughout the year. Below is a New Mexico HIDTA annual information sharing goal statement for FY 2002 and the corresponding annual output conclusion report for the same fiscal year. These reports provide substantive and quantitative information that can easily be compared to ensure the goals established at the beginning of the fiscal year are being accomplished by years end. Moreover, these information-sharing goals relate directly to the accomplishment and adherence of the nine core performance measures described in Chapter two.

⁴⁷ Office of National Drug Control Policy. Design for a HIDTA/OCDETF Performance Monitoring and Management System. Technical Report. January 2003. p. 17.

⁴⁸ Interview. Southwest Border HIDTA Executive Director. Mr. Terry Azbill. 16 August 2004.

- Expected Output: Purchase and install a new working database to improve the analytical capability of the New Mexico ISC. Populate this database with data from the old system.
- Actual Output: The ORION database has been developed. Beta testing has been conducted.

Table 7. Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02)⁴⁹

- Expected Output: Connect to the Rocky Mountain Information Network (RMIN).
- Actual Output: All analysts at the New Mexico ISC have accounts and share connectivity with the RMIN through the Rissgate information sharing project.

Table 8. Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02)⁵⁰

- Expected Output: Based on investigative and seizure reports received from initiatives and with the approval of the originating agency, forward at least 30 intelligence letters to the other HIDTA ISC's, notifying them of drug activity in New Mexico by residents of their state or region.
- Actual Output: 40 such dissemination letters were sent to other ISC's. 33 such letters were disseminated to individual Task Forces.

Table 9. Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02)⁵¹

- Expected Output: Publish two (2) trend and pattern reports and ten (10) Officer Safety Bulletins.
- Actual Output: 12 monthly newsletters containing this information were published and distributed to HIDTA initiatives.

Table 10. Information Sharing Goals and Outputs for New Mexico HIDTA ISC (FY02)⁵²

⁴⁹ HIDTA Inter-Office Correspondence. Southwest Border HIDTA- New Mexico. FY 2004. p. 4.

⁵⁰ Ibid. 5.

⁵¹ Ibid.

⁵² Ibid.

These report cards are a tool for greater oversight. Throughout the year HIDTA leadership can now compare where an initiative is relative to fulfilling its information sharing goals. By maintaining vigilant oversight of each program, HIDTA leadership can direct or redirect resources, personnel, and ISC products or services to ensure efficiency in the overall operation. Key leadership involvement has proven to be a vast improvement, post 9/11, not only for oversight and day-to-day management, but also for the facilitation of information sharing within the HIDTA initiatives.

The information sharing goals for FY 2003 and FY 2004 were even greater and further expanded the use of connectivity between HIDTA ISC's. The goals were available but the outputs have not been disclosed. The following tables will illustrate how information-sharing goals continually increase at the beginning of each fiscal year.

- Expected Output: Connect to two (2) additional databases
- Expected Output: Respond to four hundred (400) or more one-time Requests for Information (R.F.I.)
- Expected Output: Conduct post-seizure/link analysis of three hundred sixty-five (365) drug seizures, by conducting three thousand (3000) or more database checks and analyzing the results
- Expected Output: Forward one hundred twenty (120) or more dissemination letters or emails to other HIDTAs, notifying them of drug trafficking activity in New Mexico involving persons or Vehicles from their area.
- Expected Output: Create ten (10) newsletters and disseminate copies of each to all New Mexico HIDTA initiatives and all other HIDTA intelligence centers.

Table 11. Expected Outputs for the New Mexico HIDTA ISC (FY 2003)⁵³

⁵³ Ibid. p. 6.

- Expected Output: Prepare profiles of 12 Drug Trafficking Organizations
- Expected Output: Identify 36 or more new leads that should be investigated by New Mexico or other HIDTA initiatives.
- Expected Output: Forward 130 or more dissemination letters or e-mails to other HIDTA's, notifying them of drug trafficking activity in New Mexico involving persons or vehicles from their area.
- Expected Output: Obtain 200 or more digital photographs of drug concealment techniques and/or other photographs related to drug trafficking in New Mexico and distribute them to New Mexico HIDTA initiatives and other HIDTA ISC's.

Table 12. Expected Outputs for the New Mexico HIDTA ISC (FY 2004)⁵⁴

The expected and actual outputs are not all encompassing. The HIDTA ISC has several more goals and outputs concerning information sharing. What is important and must be stressed, is the fact that the HIDTA is now holding individual actors responsible for production and dissemination of information, key leaders are now actively involved in the ISC process, the ISC is being utilized at a greater rate, and synergy is being accomplished between New Mexico initiatives and between HIDTA ISC's nationwide.

The immediate aftermath of 9/11 has had a dramatic effect on the institutional processes within the HIDTA system. Because of the rigid reporting guidelines, individual actors are sharing information at a markedly greater rate. Much of the credit has been given to the implementation of the New Mexico HIDTA Policy and Procedures Intelligence Sharing Plan. These policies were in the formulation stages after 9/11 and implemented in October of 2003. Due to the sensitive nature of the policies, HIDTA leadership requested, that detailed information not be cited. In spite of the censored information, research is able to report that these detailed policies have greatly inspired actors within the HIDTA to share information with one another through the ISC.

This plan influenced many of the HIDTA organizations to alter their unproductive behaviors and change their attitudes toward information sharing. The HIDTA intelligence

⁵⁴Ibid. p. 7.

plan now creates incentives for commingling initiatives to share information. According to SGT Scott Weaver of the New Mexico HIDTA, “Interagency coordination and information exchange are rewarded with monetary incentives, such as salary reimbursement or equipment upgrades, asset sharing in the form of seized vehicles or money, and travel benefits to track and locate career criminal enterprise operations”.⁵⁵ SGT Weaver also stated that the “HIDTA provides incentives for small players, such as rural county departments. Now smaller agencies have the ability to utilize the benefits of greater information sharing systems, greater numbers of personnel, and the benefits of technology that are difficult to find in rural area departments.”⁵⁶ Smaller departments had similar opportunities, pre 9/11, but the divisive environment frustrated their ability to reap many of the rewards from HIDTA participation.

Many of the competing cultures, ideologies, and jurisdictional conflicts have been tempered by the intervention of key actor’s within the HIDTA administration. Several of these information-sharing hurdles have been negotiated mainly because leadership is effectively enforcing rules, regulations, and standards.

The interests of individual agents and agencies have not changed since 9/11, but information sharing has increased markedly. This suggests that changes in organizational rules, norms, and interests have been crucial in determining whether information sharing takes place. Several interviews have provided concrete evidence that incentives for information sharing are based on stern rules, rigid guidelines, and direct guidance. In an interview with the New Mexico HIDTA Deputy Director, it was stated that, “Compliance with information sharing is a mandatory. Those who share information are adhering to the HIDTA guidance. Those who do not share information are subject to funding sanctions or the elimination of funding altogether”.⁵⁷

HIDTA leadership has not only threatened sanctions but they have actually imposed sanctions on those not sharing information. The Ruidoso initiative was recognized as not sharing information. It was warned but failed to comply with HIDTA guidance. As a result, the non-compliant initiative had all of its funding sanctioned by

⁵⁵ Interview. New Mexico HIDTA Task Force Supervisor. SGT Scott Weaver. 14 July 2004.

⁵⁶ Ibid.

⁵⁷ Interview. New Mexico HIDTA Deputy Director. Mr. Ernesto Ortiz. 16 August 2004.

the HIDTA Executive Board. This punitive action sent a clear message to all other HIDTA initiatives. Information exchange is paramount and derelict initiatives will have to contend with the consequences. The uncompromised standard that all must follow is, ALL initiatives MUST report ALL activity to the HIDTA ISC, there are absolutely no exceptions. Failure to do so could result in total or partial loss of funding. In the case of the Ruidoso initiative they lost all funding for the remainder of the fiscal year. They must petition the executive board to receive funding for next fiscal year. Tying budgetary operating procedures to information sharing is a type of classical conditioning that ensures the desired end state is accomplished through fear of sanction.

Another means to ensure that information exchange is occurring is through a structured reporting system. First, supervisors monitor their subordinates. Second, commanders monitor their supervisors. Finally, Directors monitor their commanders. This rigid chain of command creates redundancy in the information exchange process. By actively engaging the HIDTA leadership in information management, it makes circumvention of the ISC virtually impossible. Transparency combined with several layers of visibility ensures that management is read in at every level. In the post 9/11 environment this is a very necessary step to ensure initiatives do not revert to the faulty mindset that plagued information exchange in the 1990's.

Supervision also requires that monthly, quarterly, and yearly reports be submitted for review.⁵⁸ One way these reports track information sharing is by comparing the quantitative number of requests for information against the exact number of cases input into the ISC intelligence database. The numbers should match exactly. Supervisors can also query the ISC data base, at any time, to verify that the number of open cases are being queried by HIDTA initiatives. Once again the numbers should match exactly. This ensures the ISC is being utilized, data base infrastructure is being utilized, and initiatives are actively exchanging information with one another. If they do not, "then the appropriate initiative is tracked down and given either a verbal or written reprimand. Budgetary sanctions are the final means of dealing with those who do not share information".⁵⁹ Because leadership is taking such an active role in information sharing

⁵⁸ Interview. Southwest Border HIDTA Executive Director. Mr. Terry Azbill. 16 August 2004.

⁵⁹ Interview. New Mexico HIDTA Deputy Director. Mr. Ernesto Ortiz. 16 August 2004.

operations, the ISC has been stimulated and is now operating as a robust and busy center for information exchange and intelligence sharing.

Yet, another very important step leadership took to improve the capabilities of the ISC was to increase analytical staffing. Analytical support was increased by hiring 4 new analysts into the HIDTA ISC. Currently, the New Mexico ISC is staffed with 15 full-time, co-located personnel, of whom 10 are full time analysts and 2 are part time analysts from different agencies, and the remaining 5 are command or support staff.⁶⁰ Refer to Table 13 for a break down of full time co-located personnel.

Number of Personnel	Agency	Position
10	New Mexico Department of Public Safety	1 DPS Tactical Director 1 Coordinator 2 Agents/Analysts 1 Administrative Secretary 4 Analysts 1 Data Entry Clerk
2	Federal Bureau of Investigation (F.B.I.)	1 Strategic Director, 1 Analyst
1	Drug Enforcement Administration (D.E.A.)	1 Analyst
1	New Mexico National Guard	1 Analyst
1	Town of Tatum	1 Analyst

Table 13. Full Time Co-Located HIDTA ISC Personnel⁶¹

⁶⁰ HIDTA Inter-Office Correspondence. Southwest Border HIDTA- New Mexico. FY 2004, p. 3-4.

⁶¹ Ibid.

The New Mexico ISC has two part-time, co-located personnel. Refer to Table 14 for a breakdown of part time co-located personnel.

Number of Personnel	Agency	Position
1	U.S. Customs Service	1 Analyst
1	New Mexico Adult Probation and Parole Department of Corrections	1 Analyst

Table 14. Part Time Co-Located HIDTA ISC Personnel⁶²

This is a moderate improvement; still it is a move in the correct direction. By increasing staffing levels leadership has increased the ability of the ISC to analyze and process information to HIDTA initiatives. The additional analysts have also absorbed some of the additional duties and work loads that the overburdened analysts were experiencing pre 9/11. The National Guard analyst works data entry, the D.E.A. analyst provides strategic analysis to all initiatives, and state and local analysts work requests for information and disseminate alert information at the tactical level. Leadership has made visible effort to improve quality of life issues and balance within the ISC.

Table 13 also illustrates the change in the hierarchical structure of the HIDTA ISC. Pre 9/11 the ISC was managed by a single federal agency (Customs). As a result of the restructuring process, New Mexico HIDTA leadership decided that a system of checks and balances must be incorporated into the institution in order to facilitate information sharing at all levels. As a result, the federal agencies are now sharing the operational responsibilities with the New Mexico State Police. The operational process is no longer dominated by a single agency or singular agenda. Now, a strategic director, F.B.I., and a tactical director, New Mexico State Police, manage operations and provide a balance within the institutional setting.⁶³ The needs and perspectives of both federal and state and local agencies are represented at the management level, contributing to both the reality and the perception of equitable information sharing practices.

⁶² Ibid.

⁶³ Ibid. p. 1.

Finally, data base connectivity has improved exponentially post 9/11. New Mexico leadership recognized that isolation was not helping their information sharing cause. As a result, HIDTA leadership has markedly increased the ISC connectivity to other information sharing nodes within the HIDTA community and with other pertinent law enforcement agencies. Table 15 has a break down of each database to which the HIDTA ISC is now connected.

Treasury Enforcement Communication System (TECS)
National Criminal Information Center (NCIC)
The Interstate Identification Index (III)
National Law Enforcement Teletype System (NLETS)
INS Central Index System (CIS)
Commercial Drivers License Information System (CDLIS and SAFER)
DEA Narcotics and Dangerous Drugs Information System (NADDIS)
New Mexico Criminal Justice Information System (CJIS)
FBI Field Office Information Management System (FOIMS)
The State Corrections Management Information System (CMIS)
Choicepoint/Autotrak
Lexis-Nexis
Narcotics Information Network Joint Agency System (NINJAS)
Rocky Mountain Info Network (RMIN)

Table 15. Database Nodes New Mexico HIDTA is Currently Connected To

By expanding database connectivity the New Mexico ISC has increased its ability to share and sample information with agencies nationwide. This is a very necessary institutional change, because now the institutional infrastructure is in place for initiatives and analysts to utilize in the decision making process. Before, the New Mexico ISC was isolated within the confines of its own building.

Database connectivity and communications interoperability have also proven to be beneficial to the ISC's information sharing process. Post 9/11 the HIDTA ISC connected to 14 additional databases and their subsystems (Table 15). In addition to these external databases the HIDTA ISC has also established an internal database, called "Orion," for initiatives to utilize. It is an internal node that allows New Mexico initiatives, supervisors, and analysts to enter information, sample information, and view sortable information based on any variant of screening criteria. Orion can help track trends among initiatives and alert analysts of links between drug trafficking organizations or requested criminal elements. Orion is relatively new but it is said to have added the fundamental base for connectivity between initiatives.

Institutional processes play a major role in the internal enforcement of New Mexico HIDTA information and intelligence sharing. Local standard operating procedures in combination with ONDCP guidance, indeed, limit options for action and do channel institutional behavior along the established path of information exchange and intelligence sharing. The institutional processes paradigm illustrates that rules, standard operating procedures, and common interests shape behavior for a specific outcome.

C. HAVE OPERATIONS OF THE ISC POST 9/11 PROVEN TO BE SUCCESSFUL?

While conducting interviews it became obvious that the New Mexico HIDTA ISC, is working in concert with one another to further the goals of information sharing within and among law enforcement agencies. For example, HIDTA enforcement personnel, in concert with the ISC, are currently working to disrupt and dismantle a cocaine trafficking organization believed to have links to Michoacan, Mexico. This organization was previously targeted by the Regional Interagency Drug Task Force, which resulted in disruption of the sale and distribution of cocaine and directly affected the purity level of the cocaine sold by this organization. The New Mexico ISC provided

analytical assistance on this investigation in order to elevate it to an Organized Crime and Drug Enforcement Task Force (OCDETF) status.⁶⁴ OCDETF and HIDTAs share information on related cases. OCDETF has much greater ability to deal with DTOs because they are the only criminal justice task force program with national reach that combines the talent of experienced federal agents and prosecutors. Coordination between the two agencies combines the strengths of both state and local enforcement activity with that of the Federal system. The synergy created acts as a force multiplier to enhance enforcement measures and adjudication efforts within the criminal justice system. As illustrated, the enforcement body and intelligence body of the HIDTA have common interests (narcotic enforcement), they have rationalized their actions into a collective action (disrupting a major drug trafficking organization), and have chosen a common end state for their actions (elevate to OCEDTF status) for further investigation and follow on adjudication.

HIDTA intelligence support programs are moving fast toward efficient and effective coordination of activities. The ISC is now operating according to its mandated, which states, “HIDTA initiatives must coordinate their activities with the intelligence subsystem.”⁶⁵ As stated by ONDCP guidance, “Identification of all criminal targets should be coordinated through the Intelligence Subsystem to facilitate cross-case analysis, prevent duplication, and ensure the Executive Board, where appropriate, has sufficient information to establish priorities.”⁶⁶ As the centerpiece of HIDTA operations, the ISC is committed to establishing the creation of an intelligence infrastructure that can facilitate information sharing between federal, state, and local law enforcement agencies. Initiatives are now reporting their activity to the ISC 100 percent of the time. Use of database inquiries has increased by more than an estimated 40 percent in the immediate aftermath of 9/11. ⁶⁷ As a result, there has been a noticeable increase in information sharing HIDTA wide. According to Lt. Avilucea, the HIDTA and the ISC must continue

⁶⁴ Email excerpt from a New Mexico HIDTA quarterly report.

⁶⁵ Office of National Drug Control Policy. HIDTA INTELLIGENCE SYSTEM. Section IX of the HIDTA Program Policy & Budget Guidance Manual.

⁶⁶ HIDTA Program Policy and Budget Guidance. ONDCP/OSLA/HIDTA . 27 September 2001. Section IX. P. 29.

⁶⁷ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 16 September 2004.

to improve but post 9/11 the information-sharing environment has markedly increased.⁶⁸ The HIDTA ISC is now the true focal point for the sharing of intelligence among law enforcement agencies.

The intelligence apparatus, post 9/11, is now analyzing information, transforming it into actionable intelligence, and sharing it with law enforcement agencies nationwide. The ISC is now collecting information from several sources. The primary source of information is the incident report. HIDTA initiatives furnish the ISC with copies of reports written by task force agents. Another means of gathering information is open source data. ISC intelligence analysts review newspapers and online resources for current event information and criminal activity indicators that may jeopardize or threaten an operation or the public. Finally, the ISC is receiving information from every HIDTA initiative. This information is analyzed for possible links, trends, or similarities that can be reported back to the initiatives. If links do exist between criminal enterprises and initiative investigations, then the information is shared and the benefit is a coordinated effort in handling the case.

Sharing the product is done in several different ways. “The HIDTA ISC produces a bi-monthly newsletter and a yearly threat assessment that has the latest criminal trend data and criminal activity profiles.”⁶⁹ This information is disseminated to all HIDTA participating agencies. This type of information sharing is intended to provide more of the strategic or investigative picture to HIDTA personnel. At the tactical level, information sharing occurs with either a direct request from the action agency or in the form of alerts. Direct requests are made in the form of requests for information (RFIs). Alerts, on the other hand, are issued when, “trends lead an analyst to believe that officer safety is in jeopardy, a certain sector of the community is being targeted by criminal activity, or new tactics/methods are being utilized to circumvent the rule of law.”⁷⁰

Finally, ISC trend analysis assists operators in targeting organizations by assessing their transportation corridors, transportation methods, and exposing critical vulnerabilities. As a result, analysts are able to assist in the decision making process by

⁶⁸ Interview. Director of HIDTA ISC Tactical Intelligence. Lt. Robert Avilucea. 25 August 2004.

⁶⁹ Interview. New Mexico HIDTA FBI Supervisor. Steve Hale. 20 April 2004.

⁷⁰ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 15 December 2003.

providing assessments and suggesting options and alternatives for law enforcement operations. For example, an analyst will make an inquiry into a database. With the necessary screening criteria (i.e. name, license plate, address), the database is able to produce filtered information desired by the intelligence user. Information such as, frequently visited establishments, the times these establishments were visited, and what vehicles have been reported in the area. “This process in the past has uncovered clandestine methamphetamine laboratories, human and narcotic smuggling routes along the southwest border, and even assisted in determining the location of countless outstanding fugitives.”⁷¹

Each of the capabilities discussed are what make the HIDTA ISC the “centerpiece” of the operation. Whether providing event deconfliction at the local street officer level, providing useable intelligence to state and county officers on drug links between counties, or deciphering trend data for Federal Agents working large scale criminal enterprises (Consolidated Priority Organization Targets), the HIDTA ISC is providing actionable intelligence at all levels. These ISC activities are a vast improvement compared to the inefficient and problematic environment they operated in pre 9/11.

D. NEW MISSION POST 9/11: MULTI-CRIME FUSION CENTER

In the post 9/11 era, HIDTA will continue to function according to its fundamental mission to, “Improve the ability of High Intensity Drug Trafficking Areas to counter drug trafficking”.⁷² However, the HIDTA has expanded its intelligence focus from solely narcotic to multi-crime intelligence analysis and dissemination. This action was solidified in a HIDTA article “A Foundation for Information Sharing” written by the National HIDTA Director, Kurt F. Schmid. This article states, “While HIDTA is a counter drug program, the HIDTA intelligence centers operate in a general criminal intelligence environment, thus leveraging ALL criminal intelligence information for the Program’s primary mission.”⁷³ What was not mentioned and is of great importance is the fact that information collected from within the HIDTA Intelligence Support Center

⁷¹ Ibid.

⁷² HIDTA Program Policy and Budget Guidance. ONDCP/OSLA/HIDTA . 27 September 2001. Section IX. P. 26

⁷³ Office of National Drug Control Policy. HIDTA: A Foundation for Information Sharing. p. 1.

will also be furnished to other agencies like the IRS, ATF, and US Marshalls to further execute their individual agency missions.⁷⁴ This coordinated movement will increase law enforcement productivity through information exchange and intelligence sharing.

As a result of this change in focus, HIDTA ISCs are migrating toward the concept of “intelligence fusion centers”. HIDTA ISCs will actively share case information on money laundering, terrorism, and narcotic traffic. This national initiative is the next wave in the multi-agency information sharing process. Now, information that does not have an absolute drug nexus will be reviewed by the ISC and disseminated to the appropriate action agency. Moreover, information and intelligence will be passed to EPIC and the Department of Homeland Security after the information has been fused.⁷⁵ The fusion process consists of receiving, analyzing, and associating all leads. This newly fused information will then be vetted by EPIC or the DHS federal intelligence clearinghouse and disseminated as appropriate. This new role of “intelligence fusion” is still in the production phases. Currently, data base infrastructure is being developed to support information transfer and secure data base sampling. By broadening the scope of the HIDTA ISC duties, HIDTA leadership is continuing to transform the ISC into a high yield organization and secure its place not only on the southwest border but throughout the nation as well.

Intelligence networks nationwide, realize that the terrorist attacks of 9/11 occurred because of flaws within the intelligence apparatus. As a result, the HIDTA ISC is adapting to the new multi-faceted threat that terrorist networks present. HIDTA ISCs will help identify strategic money laundering schemes that fund terror, identify smuggling rings that smuggle narcotics and people across the U.S. borders, and also provide information on local fronts that support money laundering and harbor fugitives. The threat has changed and so have the HIDTA ISC techniques, tactics, and procedures.

E. CONCLUSION

The framework has been laid for the HIDTA structure to become a formidable intelligence apparatus. Integration of law enforcement agents at all levels into the Investigative Support Centers, disseminating intelligence on crimes other than narcotics,

⁷⁴ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 15 December 2003.

⁷⁵ Interview. New Mexico HIDTA Deputy Director. Ernesto Ortiz. 16 September 2004.

and creating a robust intelligence network innervated with procedures that foster information exchange are the bare essentials that will make the HIDTA ISC a formidable intelligence apparatus. The structure is in place and the tools are available, now more than ever, the HIDTA intelligence apparatus is noteworthy and viable to the intelligence consumer. The HIDTA ISC will allow the intelligence consumer to benefit from improved local, state, and Federal relationships. Once again the structure is in place and the tools are available to ensure the HIDTA ISC is a viable intelligence apparatus for both current and future intelligence operations.

Intelligence fusion is an overwhelming move in the right direction for the New Mexico HIDTA. It shows that the New Mexico HIDTA system is maturing and growing out of the behaviors that once marginalized it across the board. By expanding data base connectivity to allow analysts to send and query information from information nodes within EPIC and DHS, is a sure sign of movement in the correct direction. As the New Mexico HIDTA intelligence apparatus continues to be the focus of initiative operations, agencies can feel comfortable knowing that information is being analyzed, deconflicted, and shared among and between initiatives.

IV. CONCLUSION

A. THE FINDINGS

Findings indicate that, pre 9/11, the New Mexico HIDTA ISC was marginalized and ineffective. Interagency conflicts, spurred by conflicting ideas and ideologies, jurisdictional battles, and blatant disregard to enforce and play by the rules were the Achilles heel that hampered information sharing. This problematic environment perpetuated a vicious cycle that virtually dismantled the ISC's intelligence sharing process. Collection efforts were unilateral and information gained was hoarded and rarely shared. Analysis of data proved to be fruitless because it was seldom being utilized as a viable resource to field agents. One of the most debilitating factors, which stunted the progress of information sharing, was that information was not being disseminated through a common medium. The entire intelligence process was flawed.

A weak leadership cadre further exacerbated the problems of the ISC. Pre 9/11, HIDTA leadership appeared to be derelict on duty. Organizational policies, rules, regulation, and standard operating procedures were being overlooked and infrequently enforced. HIDTA leaders presented no tangible incentives, either positive or negative, to facilitate healthy information sharing between HIDTA initiatives. As a result, agencies turned inward and away from one another causing a halt to any horizontal communication. In effect, there were several agencies working in the same building, yet none were communicating with one another. National and local policy was in place to prevent such an occurrence from happening, but leaders at all levels failed to regulate the widespread autonomous action. The breakdown of the HIDTA ISC occurred at all levels for several reasons, but the lack of leadership intervention created the faulty mindset of the individual actors and severely curtailed the legitimate processes of the institution.

The tragic events of 9/11 were the catalysts that caused the New Mexico HIDTA ISC to change. The immediate aftermath of 9/11 exposed several inadequacies within the national intelligence framework. Information exchange and intelligence sharing were two areas of serious concern. As a result of the intense scrutiny, many organizations, to

include the New Mexico HIDTA, began to reevaluate their process of information exchange and intelligence sharing.

The New Mexico HIDTA began to reconstruct its operations from the top down. Post 9/11 reconstruction has yielded new leadership, stricter adherence to regulations, mandatory information sharing through the ISC, and conditions that create a less divisive and more cooperative environment in which to work. HIDTA leadership now plays a greater role in the oversight of HIDTA initiatives. Leaders ensure, initiatives are no longer given the leeway to act autonomously, they ensure federal agencies no longer dominate the system, and they ensure greater transparency in operations and information flow. HIDTA cadre now enforces information-sharing policy and ensures that the outcomes are reflected in personnel evaluations, monetary incentives, and monetary sanctions. Moreover, all activity is now regulated through the ISC. The ISC acts as the hub for the processing, analysis, and dissemination of information to HIDTA participants. According to the National HIDTA Director, Kurt Schmid,

The HIDTA Program is postured to establish its intelligence system as its legacy: a busy, robust, fully integrated, national criminal intelligence system “one-stop shop” for officers who value interdependence, integrating intelligence products with their operations.⁷⁶

In the post 9/11 environment, this is indeed the case. The New Mexico HIDTA ISC is now the centerpiece of the overall organization. Even more, the HIDTA is now sharing information on terrorism and money laundering to organizations like the Federal Bureau of Investigation, Internal Revenue Service, Immigration and Customs Enforcement, and the El Paso Intelligence Center. These cooperatives are indicators that the New Mexico HIDTA has emerged as a viable information and intelligence apparatus in the new era of information exchange and intelligence sharing.

B. RECOMMENDATIONS

Information exchange has established a foothold on the intelligence and law enforcement community. Processing and disseminating information will be priority number one for years to come. This increased emphasis on the intelligence arm of operations is placing a strain on the New Mexico HIDTA ISC. Currently, the New

⁷⁶ Office of National Drug Control Policy. HIDTA: A Foundation For Information Sharing. p. 3.

Mexico ISC is staffed with 17 personnel, compared with the Arizona ISC, which is staffed with over 200 personnel.⁷⁷ Because of the proximity to the U.S./Mexican border, intelligence requirements have increased exponentially since 9/11. Unfortunately, as the requirements have increased the staffing levels of the New Mexico HIDTA ISC have not. In order to better address the sheer volume of information that must be processed and disseminated the New Mexico HIDTA ISC needs additional personnel.

One possible solution is to import National Guard soldiers into the ISC as analysts. National Guard soldiers not only possess the skill and ability, but they are highly adaptable and could be trained as analysts in a relatively short amount of time. Another added benefit to incorporating National Guard soldiers into the HIDTA ISC is that they all possess, at a minimum, a secret clearance. If confidential information must be handled, then why not trust it to a soldier who already possesses a clearance from the Department of Defense? If National Guard soldiers cannot assume the role of analyst, then the HIDTA ISC must begin granting clearances to those existing analysts. In the end, to be effective personnel must have the appropriate clearances to get the job done.

Personnel must also have the appropriate resources to get the job done. Data base connectivity is paramount. The HIDTA ISC must continue to develop and connect its data base infrastructure to information and intelligence nodes law enforcement wide. As the ISC expands its technological infrastructure, it expands its capabilities to produce a viable product that the intelligence consumer can utilize. Interoperability between agencies is the staple of the new intelligence era. The HIDTA ISC must possess the tools that guarantee it is connected, interoperable, and secure.

Final recommendations stress that HIDTA management continue to maintain oversight of information exchange between agencies. To prevent pre 9/11 activity, management must involve itself at every level to ensure institutional processes guide the interests of HIDTA players. Individual actors must also make efforts to actively engage in the information sharing process. Cultural and organizational clashes need to be dealt with aggressively in order to break down the barriers created by years of the “us vs. them” attitude. Employees should receive organizational behavior classes so that they

⁷⁷ Interview. Director of HIDTA ISC Tactical Intelligence. Lt. Robert Avilucea. 25 August 2004.

may be aware of organizational cultural issues that could lead to faulty mindsets that affect information sharing. In the end, the New Mexico HIDTA ISC has progressed significantly compared to its pre 9/11 posture. Progress is a good sign that actors interests and institutional processes are indeed being shaped to conform to the post 9/11 information and intelligence reconstruction.

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center
Ft. Belvoir, Virginia
2. Dudley Knox Library
Naval Postgraduate School
Monterey, California
3. James J. Wirtz
Naval Postgraduate School
Monterey, California
4. Harold Trinkunas
Naval Postgraduate School
Monterey, California
5. Jeanne Giraldo
Naval Postgraduate School
Monterey, California